

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

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## UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

TRUSTEES OF THE NORTHERN NEVADA  
OPERATING ENGINEERS HEALTH &  
WELFARE TRUST FUNDS, JOHN MADOLE  
AND RUSSELL BURNS; TRUSTEES OF  
THE OPERATING ENGINEERS AND  
PARTICIPATING EMPLOYERS  
PREAPPRENTICE, APPRENTICE, AND  
JOURNEYMAN AFFIRMATIVE ACTION  
TRAINING FUND FOR NORTHERN  
NEVADA, JOHN MADOLE AND RUSS  
BURNS; TRUSTEES OF THE OPERATING  
ENGINEERS PENSION TRUST FUND; GIL  
CROSTHWAITE AND RUSS BURNS;  
TRUSTEES OF THE OPERATING  
ENGINEERS VACATION AND HOLIDAY  
PAY PLAN, GIL CROSTHWAITE AND  
RUSS BURNS; AND TRUSTEES OF THE  
OPERATING ENGINEERS PENSIONED  
OPERATING ENGINEERS HEALTH &  
WELFARE TRUST FUND, GIL CROSTHWAITE  
AND RUSS BURNS,

Plaintiffs,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:08-CV-00675-BES-VPC

JDC EXCAVATING, INC. a Nevada  
corporation; PATRICK J. CONELY; DOES  
1-100; AND BLACK AND WHITE  
COMPANIES 101-200,

Defendants.

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

— **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that Defendant Patrick J. Conely's Motion for Summary Judgment (#10) is DENIED. **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Summary Judgment (#13) is GRANTED.

August 5, 2009

**LANCE S. WILSON**  
Clerk

/s/ D. R. Morgan  
Deputy Clerk